

REMARKS/ARGUMENTS

Claims 1-10 and 21-22 remain cancelled.

Support for the amendment to Claim 11, and the specification amendment (Abstract), is found at the originally filed claims and throughout the originally filed specification.

No new matter has been added.

The specification objection is believed to be obviated by submission, along with this paper, of a one paragraph Abstract. Withdrawal of the specification objection is respectfully requested.

Applicants respectfully traverse the obviousness rejection of Claims 11-20 as being unpatentable over Yanagawa in view of the Drug Information Handbook (DIH) and Wermeling because there is no motivation to combine the references.

As described in the Official Action at page 4, Yanagawa, at column 4, line 42, describes, generally, antiemetics. However, present Claim 11, and the claims depending therefrom, contain the feature “wherein the opioid analgesic is at least one analgesic selected from the group consisting of fentanyl and fentanyl citrate.”

Applicants respectfully note that fentanyl and fentanyl citrate are analgesics, not antiemetics. Accordingly, Yanagawa does not describe or suggest fentanyl and fentanyl citrate.

Further, the Office’s rationale for combining Yanagawa, DIH and Wermeling, as described at page 5 of the Official Action, is as follows: Claim 11 has, as a feature, a specific antiemetic - droperidol; Yanagawa describes generally, antiemetics; DIH describes the specific antiemetic droperidol with fentanyl; and Wermeling describes intranasal administration of liquid fentanyl. Thus, according to the Office, the nexus linking Claim 11 to Yanagawa is antiemetics, the nexus linking Yanagawa to DIH is antiemetics, and the nexus linking DIH to Wermeling is fentanyl.

Present Claim 11 does not contain an antiemetic feature, thus present Claim 11 has no nexus to Yanagawa through antiemetics. Further, Yanagawa does not describe or suggest fentanyl and/or fentanyl citrate (as found in, for example, present Claim 11). Thus, one of ordinary skill in the art would not be motivated to combine Yanagawa with DIH, because there is no antiemetic linkage motivation from present Claim 11 because there is not an antiemetic feature in present Claim 11, and there is no fentanyl and/or fentanyl citrate linkage between Yanagawa and DIH because Yanagawa does not describe or suggest fentanyl and/or fentanyl citrate.

Further, because Yanagawa does not describe or suggest fentanyl and/or fentanyl citrate, there is no nexus between Yanagawa and Wermeling, and thus no motivation to combine Yanagawa, DIH, and Wermeling.

For the above-described reasons, Applicants submit there is no motivation to combine the references. Withdrawal of the obviousness rejection is respectfully requested.

The double patenting rejection of Claims 11-20 as being unpatentable over claims 1-2, 4 and 9-14 of Yanagawa in view of Wermeling and DIH is respectfully traversed. As described above, one of ordinary skill in the art would not be motivated to combine the references. Accordingly, withdrawal of the double patenting rejection is respectfully requested.

Applicants submit the present application is now in condition for allowance. Early notification to this effect is earnestly solicited.

Application No. 10/519,677

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A handwritten signature in black ink, appearing to be 'CJ Andres, Jr.', written over a horizontal line.

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